

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
2006 APR 25 P 1:58

Civil Action
No. 05 11395 RCL

PATRICIA BERGEVINE,

Plaintiff

v.

PEASE & CURREN, INC., PEASE &
CURREN MATERIALS, INC., FRANCIS H.
CURREN, III A/K/A KIP CURREN, AND
MEREDITH CURREN

Defendants

**MOTION OF DEFENDANTS FOR PROTECTIVE ORDER TO DEFER DEPOSITIONS
AND INTERROGATORY ANSWERS FOR SIX MONTHS PENDING DISPOSITION OF
CRIMINAL PROCEEDINGS**

The defendants in the above-captioned matter, respectfully move, pursuant to F.R.Civ.P. 26(c) for a protective order to defer for six (6) months the depositions of the defendants' officers and employees. In support of this Motion, the defendants state as follows:

1. The plaintiff commenced this action against the defendants alleging that the defendants engaged in impropriety and failed to pay her the correct amount of her sales commissions while employed by the defendant, Pease and Curren, Inc. The defendants have denied these allegations and deny that there was any wrongdoing or improper conduct on their behalf.

2. Following the alleged events, the plaintiff went to the FBI and the Rhode Island State Police Financial Crimes Unit to make complaints about the defendants.

3. To date, no criminal indictments or charges have been brought as a result of the alleged events in 2002.

4. The parties have been informed that this matter has been under investigation by the Rhode Island State Police and that a decision is likely to be forthcoming within the next few months whether any criminal proceedings will follow.

5. At her recent deposition, the plaintiff testified that she spoke with the detective in charge of the investigation and that it was her understanding that a grand jury may be convened shortly.

6. Counsel for the defendants, with regard to any potential criminal matters, Attorney Kevin Bristow, has also received an indication from the authorities that the decision whether to pursue any proceedings is likely to be forthcoming soon. See Exhibit 1 (Affidavit of Kevin Bristow).

7. The depositions of the defendants' officers and employees, Francis Curren, III, Meredith Curren, Robert H. Pease, Francis H. Curren, Jr., and the Rule 30(b)(6) designees of the defendants have been scheduled for May 2006. In addition, the plaintiff has propounded interrogatories to the defendants.

8. With the criminal issues outstanding and a decision thereon likely in the next six (6) months, the defendants respectfully request that their depositions be deferred for an additional six (6) months when the criminal issues have been addressed. This will prevent any impending criminal matters from interfering from the current civil proceedings, and will allow the current civil proceedings to be decided solely upon their merits.


9. The six month deferral of the defendants' deposition will not result in prejudice to any party. The plaintiff brought this suit almost three years after the alleged events and was the prime mover with regard to the criminal allegations.

10. Fairness and equity warrant the temporary deferral of the depositions and interrogatory answers.

WHEREFORE, the defendants respectfully request a protective order allowing the defendants to defer their depositions and interrogatory answers for six months.

Respectfully submitted,

By their Attorneys,



Joseph H. Aronson [BBO #022070]
THE McCORMACK FIRM, LLC
One International Place
Boston, MA 02110
(617) 951-2929

83894.1

I HEREBY CERTIFY THAT A TRUE
COPY OF THIS DOCUMENT WAS
SERVED UPON THE ATTORNEY OF
RECORD FOR EACH PARTY BY fax

MAILED ON

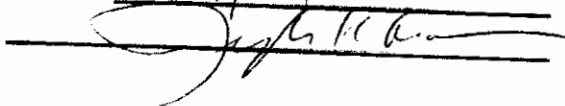
4/25/06


EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PATRICIA BERGEVINE,

Plaintiff

v.

PEASE & CURREN, INC., PEASE &
CURREN MATERIALS, INC., FRANCIS
H. CURREN, III A/K/A KIP CURREN,
AND MEREDITH CURREN

Defendants

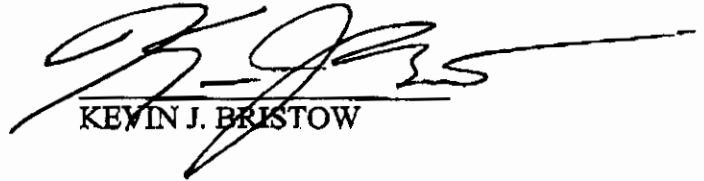
Civil Action
No. 05 11395 RCL

AFFIDAVIT OF ATTORNEY KEVIN J. BRISTOW

Kevin J. Bristow, being duly sworn, hereby states and attests as follows:

1. I am an attorney at law, duly licensed to practice in the States of Rhode Island and New York. I am also admitted to practice law in the United States District Courts for the District of Rhode Island, and for the Southern and Eastern Districts of New York.
2. I have read the Complaint in this matter and am familiar with the facts and circumstances surrounding the allegations contained therein.
3. Since February of 2003, I have functioned continuously as the attorney for the above-named defendants in connection with a criminal investigation being conducted in the State of Rhode Island by the Rhode Island State Police and the Rhode Island Department of Attorney General. This investigation is related to the allegations contained in the Complaint.
4. In connection with my representation of these defendants, I have been in contact with various law enforcement personnel regarding the criminal

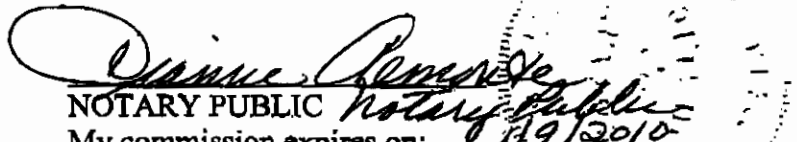
investigation. I was recently advised by these law enforcement personnel that the criminal investigation pertaining to these defendants is likely to be completed within the next six months.



KEVIN J. BRISTOW

PROVIDENCE, SC
STATE OF RHODE ISLAND

Subscribed and sworn to before me this th 25 day of April, 2006.



NOTARY PUBLIC
My commission expires on: 1/9/2010